

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

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Richard Tamez, Billy Tom Medlin,  
Gavin Reynolds, and James Clark,  
on behalf of themselves and other  
similarly situated individuals,

CIVIL ACTION 5:15-cv-330-RP

Plaintiffs,

v.

BHP Billiton Petroleum (Americas), Inc.,

Defendant.

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**NOTICE OF LAWSUIT WITH OPPORTUNITY TO JOIN**

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**TO:** All Persons Who Worked for BHP Billiton Petroleum (Americas), Inc. and Received a Day Rate at Any Time from April 24, 2012 to the present.

**RE:** Right to Join Lawsuit to Recover Unpaid Overtime Wages

*The Purpose of this Notice Is to Inform You of Your Right to Join a Lawsuit Filed on Behalf of Current and Former Day Rate Workers Against BHP Billiton Petroleum (Americas), Inc.*

**1. What is this lawsuit about?**

Four former day rate workers (collectively “Plaintiffs”) brought this lawsuit against BHP Billiton Petroleum (Americas), Inc. (“BHP”). Plaintiffs allege that BHP paid individuals on a day rate under the Fair Labor Standards Act (referred to as the “FLSA”) and did not compensate day rate workers properly for overtime hours worked. This lawsuit seeks to recover overtime wages, liquidated damages, and attorneys’ fees from BHP.

BHP denies the allegations and claims that day rate workers are not entitled to overtime wages or other damages under the FLSA.

The Court has not considered or made any decisions as to the merits of Plaintiffs’ claims or BHP’s defenses.

**2. Why Did I Get this Notice?**

The Court allowed the parties to send this notice to day rate workers who are similarly situated to Plaintiffs to inform other day rate workers of their right to participate in this lawsuit, how to join the lawsuit, and how their rights may be affected by the lawsuit. You received a copy of this notice because BHP’s records indicate that you may fit the above definition.

### **3. How Do I Join?**

If you are or were an employee of BHP and you received a day rate, or if you worked as an independent contractor, 1099 worker, or consultant for BHP and received a day rate, at any time from April 24, 2012 to the present, you may join this lawsuit. To participate, **you must fill out and send the enclosed Plaintiff Consent Form to the Plaintiffs' attorneys postmarked no later than [60 days from the date notice is sent]**. You may email the attachment, fax or mail the signed consent to:

**Nichols Kaster, PLLP, Attn.: Paul J. Lukas  
4600 IDS Center, 80 South Eighth Street  
Minneapolis, Minnesota 55402  
Fax: (612) 215-6870  
Email: forms@nka.com**

### **4. What Happens if I Participate?**

If you choose to join this lawsuit, your interests will be represented by Plaintiffs' attorneys Nichols Kaster, PLLP. These attorneys will represent you in the course of the lawsuit and all settlement discussions in connection with this lawsuit. Once you participate, you will be bound by any ruling or judgment by the Court, whether favorable or unfavorable.

The attorneys have taken this case on a contingency fee basis. This means they will only be paid if there is a monetary recovery through a settlement, judgment, or jury award in your favor. If there is a recovery, the attorneys will receive a part of any money judgment or settlement obtained in your favor. You will not have to pay the attorneys out of your own pocket. The details will be fully outlined in a separate fee agreement with the attorneys if you decide to join this case. The Court has retained jurisdiction to determine the reasonableness of any fees awarded to the attorneys.

### **5. Can BHP Retaliate Against Me for Participating?**

The law does not allow employers to retaliate against employees for participating in a lawsuit against them. If you believe BHP is retaliating against you, please inform Plaintiffs' attorneys immediately.

### **6. What if I Choose Not to Participate?**

If you do not wish to participate, you will not be affected by any judgment or included in any settlement in this case. You may instead choose to bring your own lawsuit or do nothing. The FLSA has time limits called statutes of limitations. These limitations are tolled when you join a lawsuit. If you do not join this lawsuit or start your own lawsuit, your limitations period will continue to run and eventually your right to bring an action will be time barred.

**THIS NOTICE AND ITS CONTENT HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS. THE COURT HAS TAKEN NO POSITION REGARDING THE MERITS OF THIS LAWSUIT. PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**

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**BHP BILLITON PETROLEUM (AMERICAS) INC.**  
**PLAINTIFF CONSENT FORM**

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1. I consent to make a claim under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq., against my current/former employer, BHP Billiton Petroleum (Americas) Inc. ("BHP Billiton"), to recover unpaid wages.
2. Between April 24, 2012 and the present, there were occasions when I worked over 40 hours per week for BHP Billiton, was paid on a "day rate" basis, and did not receive overtime compensation for my hours worked over 40 per week.
3. I understand that I may withdraw my consent to proceed with my claims at any time by notifying the attorneys handling the matter.

Date: \_\_\_\_\_

Signature

Print Name

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**Information Below Will Be Redacted in Filings with the Court. Please Print or Type.**

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Best Phone Number(s): \_\_\_\_\_

Email: \_\_\_\_\_

**Return this form by  
fax, email or mail to:**

**Nichols Kaster, PLLP, Attn: Paul J. Lukas**  
**Fax: (612) 215-6870**  
**Email: [forms@nka.com](mailto:forms@nka.com)**  
**Address: 4600 IDS Center, 80 S. 8<sup>th</sup> Street, Minneapolis, MN 55402**  
**Web: [www.nka.com](http://www.nka.com)**